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Assembly California Legislature



MIKE FEUER

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April 20, 2007

Paula Daniels,
Commissioner, Board of Public Works
City of Los Angeles
200 North Spring Street, Rm. 361
Los Angeles, CA 90012

RE: Support for the Proposed Stream Protection Ordinance for the City of Los Angeles

Dear Ms. Daniels:

I am writing to express my strong support for the Stream Protection Ordinance proposed by the task force led by the City's Board of Public Works. By establishing a comprehensive stream protection policy with buffer zones similar to those already required by state agencies, appropriate stream protection definitions, and provisions for mapping and restoration of streams, the Board and the task force have taken an impressive step toward preserving and protecting the City's riparian ecosystems and water quality.

I represent many communities within Los Angeles that will be affected by the proposed ordinance, including Brentwood, Bel Air, Westwood, Sherman Oaks, Los Feliz, Universal City, and portions of Studio City, North Hollywood and Hollywood. Those areas contain a large portion of the Santa Monica Mountains and numerous state and federally-protected streams and tributaries that flow through both public and private lands. Many of these streams ultimately terminate in the Santa Monica Bay and directly affect its water quality. These watercourses also provide important natural resource benefits to the State of California by acting as natural pollution filters, providing flood control and storm water drainage, recharging groundwater and serving as critical habitat for wildlife. Increasingly, cities throughout California, such as Oakland and Glendale, have enacted ordinances to ensure that development along the streams within their jurisdictions does not negatively impact the water quality and natural resources of our shared communities.



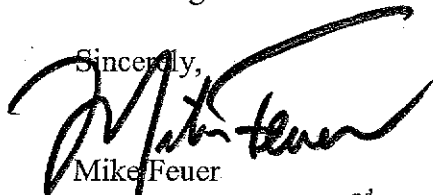
For these reasons, I support the efforts of the City of Los Angeles and the Board of Public Works to protect Los Angeles's important water resources by establishing a stream definition. As part of this effort, I join with the Santa Monica Mountains Conservancy and local homeowners' organizations in requesting that a change be made in the definition of "stream" in the draft ordinance, from "either seasonally or year round" to "perennially, intermittently or ephemeral." While I understand that some hold the view that the term "seasonally" includes "intermittently or ephemeral," the addition of these terms would emphasize and clarify the distinction and would be consistent with the intent and language of the proposed ordinance itself.

The proposed ordinance appears to be intended to apply to all types of streams that may exist throughout Los Angeles, where low annual rainfall often means that our streams have running water only intermittently, during the rainy winter months, or ephemeral, for a period of time after significant rainfall. The proposed ordinance itself, in "Section IV. Stream Identification," directs the City of Los Angeles to "map all perennial, intermittent, and ephemeral drainages and streams within their jurisdictional boundaries...." This is also the stream definition used by state agencies. For example, the California Department of Fish and Game, which has jurisdiction under Fish and Game Code Section 1602 to regulate the alteration of state-protected streams, defines protected streams as "perennial, intermittent and ephemeral." The California Code of Regulations, 23 CCR Section 4(ii), pertaining to certain adopted flood control plans in California, defines a "stream" to mean "natural or regulated water flowing in any natural or artificial channel. Streams may be perennial, flowing continuously; intermittent or seasonal, flowing only at certain times of the year; or ephemeral, flowing only in direct response to precipitation." These distinctions are important in Los Angeles, where many of our watercourses are either intermittent or ephemeral.

Enactment of a Stream Protection Ordinance is also an important step to improve consistency among City and State agencies charged with overseeing streamside development projects and will allow development along watercourses in the City while at the same time preserving and protecting public water resources.

I urge the City of Los Angeles to move expeditiously to approve an amended Stream Protection Ordinance and to join with other California communities in protecting our remaining water resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Feuer", is written over the word "Sincerely,".

Mike Feuer
Assemblymember, 42nd District

cc: Mayor Antonio Villaraigosa
Honorable Members of the Los Angeles City Council
Members, Board of Public Works